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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,468	10/19/2001	Kelly L. Dempski	10022/144	2895

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EXAMINER

CHANG, KENT WU

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,468

Applicant(s)

DEMPSKI, KELLY L.

Examiner

Kent Chang

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2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauper et al (PCT Publication WO 01/08414 in German; US Patent No. 6,803,887 is utilized as a translation of the PCT Publication since it has substantially the same specification as the PCT Publication, which was shown by the same drawing and verified by a translator) in view of Ohshima et al (US Patent No. 6,522,312).

Lauper discloses a system and the method for viewing data associated with one or more objects within a field of view of a human operator, the method comprising: receiving an image from a wearable camera (element 11) worn by a human operator and directed towards the field of view of the operator', automatically detecting one or

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more visual markers within the image, at least one of said visual markers associated with and proximate to an object within the field of view of the operator; in response to automatically detecting one or more visual markers (such as a rectangular auxiliary line), selecting data associated with an identifier (object identification) from a database located on a memory storage or through a network, said data having a predefined association with one of said objects associated with one of said visual markers, and displaying the data on a wearable display worn by said operator. Lauper's system includes means for identifying the pattern of an object (with bit map or compressed data, see column 3 lines 52-65, column 4 lines 4-10, 35-50, column 5 lines 41-68 in US Patent No. 6,803,887), but is silent in the detail of the pattern recognition method being used.

However, Ohshima teaches the use of image processing, or pattern recognition when each object has a feature in its shape or color, to recognize an object image (see column 12 lines 10-20). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to use pattern recognition to recognize an object image when each object has a feature in its shape or color as taught by Ohshima in the device of Lauper so as to enable object recognition with low cost and easy operation.

Consider claims 2 and 3. Lauper's system includes identifying which of said visual markers is located within a predetermined zone of view of said camera for a predetermined amount of time. It would have been obvious for one of ordinary skill in the art at the time of the invention to set the zone of view of the camera at any size

since Lauper teaches selecting predefined or variable size of segment (column 4 lines 4-10).

Consider claims 4, 13, 15. Lauper teaches to display the image on a glass type retinal display. It would have been obvious for one of ordinary skill in the art at the time of the invention to use see-through retinal display since the examiner takes Official Notice that it is well known in the head mounted display art to use see-through display so as to enable the user to see the real world image and the computer generated image.

Consider claims 5 and 7-8. The device of Lauper further comprises displaying additional data associated with said object in response to a request sent by the operator though the use of any known GUI methods (column 4 lines 23-55).

Consider claims 9, 19. Lauper teaches that the request is determined by maintaining the object of interest within the predetermined zone of view for a predetermined period of time (column 4 lines 4-10).

Consider claims 11-12. Lauper teaches to detect the current location (or movement) of the user by position determining means such as GPS system (column 7 lines 7-14). It would have been obvious for one of ordinary skill in the art at the time of the invention to use the current marker location (or location of the object being viewed) so as to reduce the manufacturing cost for the position determining system.

Consider claims 17, 18, 20, 22-25. Lauper teaches to provide various types of information including user or object related information to the user (column 7 lines 7-40).

Response to Arguments

4. The previous office action is revised herein to be based on PCT Publication WO 01/08414, which has an earlier publication date than the filing date of the current application. US Patent No. 6,803,887 is utilized as a translation of the PCT Publication since it has substantially the same specification as the PCT Publication, which was shown by the same drawing and verified by a translator. Applicant's arguments against the validity of the filing date of the US Patent No. 6,803,887 are moot in view of the new rejections.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Chang whose telephone number is 571-272-7667. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz, can be reached at 571-272-3638.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

703-872-9306

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kent Chang
Primary Examiner
Art Unit 2675

kc

11/28/05